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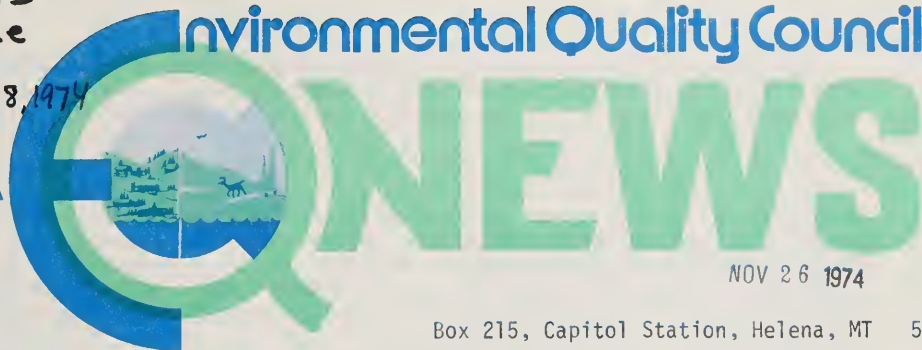
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Box 215, Capitol Station, Helena, MT 59601

Senator Elmer Flynn, Chairman

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John W. Reuss, Executive Director

## LAND USE IN MONTANA

A Summary of the Environmental Quality Council's



## MONTANA LAND USE POLICY STUDY

MONTANA STATE LIBRARY  
930 East Lyndale Avenue  
Helena, Montana 59601Preface

Since early spring, 1973, the staff of the Environmental Quality Council (EQC) has been preparing a state land use policy study at the request of the legislature. Charles E. Brandes, EQC land use analyst, was responsible for producing the study for presentation to the governor, and the legislature prior to its assembly in 1975. A draft of the study was reviewed and approved by the Environmental Quality Council at a meeting in Helena September 26-27, 1974.

The EQC Montana Land Use Policy Study was mailed to legislators on November 18, 1974. This summary was prepared to give interested citizens a convenient overview of the study's assumptions, findings and recommendations. A limited number of copies of the full report are available from the EQC (Capitol Station, Helena 59601). In addition, the study will be reprinted in the EQC Third Annual Report and made available January, 1975.

Introduction

With their roots so tied to the wealth of the land, Montanans always have been concerned with land use issues. The Treasure State, as her motto "Oro y Plata" suggests, yielded up a rich bounty from the exploitation of abundant natural resources. But with changing times and accumulating understanding of the costs of unlimited and unregulated resource exploitation, the old meaning of treasure in "Treasure State" is changing.

To many, Montana's treasures are no longer limited to gold and silver. To some, the real treasure of Montana is the vastness of her open space, the grandeur of her mountains, her clean air and water, the presence of abundant fish and wildlife, and the absence of large metropolitan areas. Where does the "treasure" of Montana lie? Conflicting answers to the question are symptoms of the far larger conflict over what constitutes a high quality of life in Montana--what activities enhance it and what activities retard it.

At the heart of the conflict is growth and its consequences. Since the early 1970s, Montana legislatures have been moving toward comprehensive examination of the costs and benefits of growth.

In 1971, the legislature passed the Montana Environmental Policy Act, which among other things, created the Environmental Quality Council. A major EQC responsibility is to assist the legislature by assessing the environmental consequences of proposed legislation. In many respects, the 43rd Legislative Assembly two years later was the first to see large numbers of proposals introduced treating land use issues. Many bills designed to protect Montana's agricultural base and the environment were introduced and considered by the 1973 and 1974 sessions. Among the concerns were protection of green belts, control of erosion and sediments, reform of forestry practices, and protection of critical areas, wild and scenic rivers, and shorelines.

The need for a systematic and comprehensive perspective on land use issues in Montana was the reason behind House Joint Resolution 9 in March 1973. HJR 9 directed the Environmental Quality Council "to undertake a thorough study of land use practices and policies in Montana and elsewhere in the United States, prepare a report and make recommendations with respect to such practices and policies, and prepare legislation for the consideration of the governor and the 1975 legislature...."

#### The EQC Montana Land Use Policy Study

Funded in part by a grant from the Ford Foundation, the Montana Land Use Policy Study is a comprehensive source of information about current Montana land use issues and trends, state agency land use programs, and land use programs in effect in other states. It also recommends a course of action for Montana.

The study is premised on a concern for the future. Land use decisions and the decision making process that produces them do not fairly represent the interests of future generations, even though they will pay the price of today's mistakes. Montanans tomorrow will not care for our justifications for trading the quality of the state's air, water, animal life, and land for the benefit of short-term economic gain and self-interest. They will be the ones who have to live with the long-term results of our decisions, not the immediate benefits current decisions give us. As the study makes clear, the public is becoming more and more aware of the disadvantages of letting a few individuals implicitly or explicitly do the planning for current and future generations. In other western states--Arizona, California, and Colorado--one can see what has taken place in the absence of effective public guidance of the use of land. Today, similar pressures on Montana land lead the EQC to conclude that now, more than ever, there is a strong public interest in private decisions regarding land use.

#### Some Recent Montana Land Use Trends

Many forces put tremendous pressure on the land in Montana. For those who can afford it, the prospect of owning a second home or a first home "in the country" in Montana is part of the frontier dream shared by millions of Americans. Widespread realization of that dream may damage fragile mountain valleys, overwhelm rural communities, and displace agricultural production. Coal

development may have some of the same effects and expands the threat to water as agriculturalists, industrialists, and recreationists struggle to control available supply. Whether the desires of all those desiring Montana land and water resources can be accommodated without serious consequences may be doubted.

Subdivision activity, saline seep, and coal development have significant impacts on Montana and will continue. The EQC Montana Land Use Policy Study points out that many land use decisions are practically irreversible, and the increasing rate at which these changes are occurring means that options for Montana's future are being foreclosed rapidly today.

One land conversion process of interest to Montanans is land subdivision. Recent reports by Helena's Environmental Information Center indicate that approximately 500,000 acres (in parcels of less than 40 acres) now are subdivided throughout the state (1). This subdivided amount, most of it lying outside incorporated cities and towns, equals 60 percent of the existing acreage in Montana's urban (built up) areas. Based on state Department of Revenue figures, subdivided acreage in Montana appears to be growing by 20 to 30 percent a year (2). If this trend were to continue, by 1985 Montana would have an additional 3.3 million acres subdivided, or a total of 3.8 million acres representing 6 percent of the privately owned land in the state. Massive change in land ownership is not in itself cause for alarm. It is the attendant social and environmental impacts that may cause problems for farmers and farms, taxpayers and tax rates. For example, much of the land being allocated by subdivision for commercial, industrial, and residential use is in reality being held for speculative purposes. One effect of this speculation is to reduce agricultural production and disrupt the farm and ranch land market. Of the half-million subdivided acres, perhaps 60 percent represent a commitment to speculation: subdivision for which there is no current housing need, either for permanent or seasonal homes, and for which there may never be a demand if subdivision continues at current rates.

During the last decade, 1.6 million agricultural acres went out of production in the state (3). A significant amount of that acreage fell victim to the booming land market. If conversion of agricultural land continues at the same rate, there will be 4.5 million fewer agricultural acres in production in Montana in 1990. Trends show some of the land lost will be high-quality irrigated farmland. The wisdom of continued conversion of Montana's agricultural land base in the face of world food and fiber shortages should be a question of public debate. But the adverse effects closer to home and pocketbook may provide a persuasive argument for public action. For even when developed, many subdivisions fall on the detriment side of any community cost and benefit analysis that considers the subsequent public costs of financing school systems, water supplies, sewers, police and fire protection, and community health care, to say nothing of immediate impacts on air, water quality and the surrounding landscape (4).

Tax rates are perhaps the most convincing indicator of the public costs of private land development. Mill levies measure the amount of tax levied per dollar of assessed valuation, independent of inflationary factors. In seven Montana counties with high subdivision rates, the average county-wide mill levy (including state, county, and school levies) increased 25 percent faster than the statewide average between 1964 and 1972, a discovery that tends to

refute the often-heard contention that growth leads inevitably to economies of scale in community financing of public services (5). The literature in this area tends to be contradictory and a full assessment awaits further research including a comparison of the quality of public services provided.

Computations made by the Upper Midwest Council suggest that the rate of population growth in Montana is substantially greater in those areas surrounding cities and towns than within either cities or towns or for counties as a whole (6). This is the suburban sprawl so familiar to Montana newcomers arriving to escape metropolitan problems. Second home developments have perhaps the greatest public cost because many of the subdivided lots remain both unfarmed and unoccupied as the owners await rising land prices. Then, if rural and recreational land buyers convert vacation hideaways to permanent homes, communities find their local public services, particularly their road maintenance, police and fire protection, water supply, sewage treatment, and school system, inadequate.

Montana faces, by some estimates, the prospect of a population boom associated with extensive coal strip mining and energy development. Montana's population could be pushed past the million mark by the year 2000, a 43 percent increase over the 1970 census level (7).

If growth is inevitable and will generate public service costs that affect all taxpayers, the tradition that allows land use decisions to be made solely from the perspective of the individual deserves careful scrutiny. Perhaps Montanans ought to consider pressures on their state's less tangible resources too. Unmarred landscapes, clean air and water, abundant fish and wildlife, and casual, unhurried daily routines represent a valuable public treasure held in common by all Montanans. In addition to the concern for taxes and sustaining the state's agricultural base, protection of this common treasure should become a great citizen concern.

#### Current Montana Land Use Policies

A review of legislative acts that have some bearing on land use activities in the state reveals a crazy quilt of policies which in turn have produced programs operated by state agencies that are heavy with conflicts and inadequacies. The Montana Land Use Policy Study undertook an examination of the land use policies implicit in the statutes directing the activities of seven state agencies (8).

Conflict can result between agencies but also is possible within an agency attempting to interpret laws that omit clear policy directives or permit interpretation that can be seen as fundamentally self-contradictory. The Department of Natural Resources and Conservation, for example, recently found itself in the latter situation. A water diversion request was decided on the basis of the Water Use Act of 1973, which declares a state policy "to provide for the wise utilization, development, and conservation of the waters of the state for the maximum benefit of its people with the least possible degradation of the natural aquatic ecosystems..." (Sec. 89-866 (3), R.C.M. 1947). Yet in reaching their decision, officials of the department restricted themselves to consideration of the request only in the light of the decision



making criteria laid out in the act:

1. there are unappropriated waters in the source of supply;
2. the rights of a prior appropriator will not be adversely affected;
3. the proposed means of diversion or construction are adequate;
4. the proposed use of water is a beneficial use;
5. the proposed use will not interfere unreasonably with other planned uses or developments for which a permit has been issued or for which water has been reserved (Sec. 89-885, R.C.M., 1947).

Protection of natural aquatic ecosystems or of wildlife and provisions for recreation are not included in these criteria. In fact, officials of the department argue that they would be obligated to grant a water use permit in response to an application satisfying the criteria even if it would result in the "dewatering of the stream." Clearly, the Water Use Act allows interpretation that conflicts with its stated policies. It also allows interpretation that conflicts with other acts administered by the other state departments. The Water Quality Act (1967 as amended in 1971), for example, administered by the Department of Health and Environmental Sciences, declares a public policy of conserving water by "protecting, maintaining, and improving the quality and potability of water for public water supplies, wildlife, fish, and aquatic life, agriculture, industry, recreation, and other beneficial uses..." (Sec. 69-4801, R.C.M., 1947).

Indicative of the inadequacies of the implicit land use policy in existing state law are legislative provisions addressing the effects of highway location on land use. The law expresses recognition of the direct effects of highways with regard to protecting livestock, the scenic view, and allowing for direct economic impacts on growth centers, but the enormous indirect effects of highway location and access decisions go unmentioned in the codes. Consequently, too many decisions are based solely on engineering criteria and the immediate convenience of the motoring public.

The legislature has established, however, at least two very significant land use precedents. The Floodway Management and Regulation Act of 1971 (Sec. 89-3501 et. seq., R.C.M., 1947) established that there are areas of the state where there exist, due to the characteristics of the areas, overriding state interests sufficient to require that the state provide for the regulation of land use in these areas. The Utility Siting Act of 1973 (Sec. 70-801 et. seq., R.C.M., 1947) identified types of land uses, that is developments, that require special action. The act established that certain developments (power generation facilities and transmission lines, for example) have impacts far beyond the local jurisdictions within which the developments occur, and directed the Department and Board of Natural Resources and Conservation to regulate such developments from a statewide perspective.

## Land Use Policies in Other States

Montanans are not alone in their struggle to come to grips with the implications of land use decisions on their future. Similar efforts are occurring in county courthouses, town halls, and legislative assemblies throughout the nation. Seven states (9) in particular have moved to the forefront of this struggle by enacting a variety of land use policy legislation. Their experiences, and a recent draft of the American Law Institute Model Land Development Code (10), can be used to suggest ideas for creation of an effective approach to problems of land use and growth that would be nonetheless Montanan.

Experiences in other states demonstrate that state government may directly involve itself in the land use decision making process and must do so when local government cannot or will not act. The experiences of Hawaii and New York show that state government can exercise the authority to zone, although most other states have rejected that option. In Vermont, Florida, Oregon and Colorado, local people and local governments retain primary responsibility for land use decisions with the state supplying assistance and review. However, in each case local government is required to broaden its perspective and consider long as well as short-run considerations; the wide ranging implications of actions as well as localized effects. Examples of state involvement in land use control reveal a serious defect common among many of the state efforts. Frequently, cumulative effects of many small decisions, and the basic question whether development should occur at all, are not considered. Recognizing this weakness, Oregon, Hawaii and Florida have instituted programs to define the goals and priorities of their citizens. Generally speaking, state level involvement in land use decisions requires additional funds and adjustments in the expectations and perceptions of those being regulated. Developers pass on some costs to purchasers: government review of land use is reflected in taxes. But the costs of development, and the absence of some regulation, also can be measured in dollars. Roads, schools, hospitals, sewage treatment plants--all are among the direct impacts on the taxpayer. And all will suffer from any erosion of Montana's environmental and social amenities under the march of land development.

The Model Land Development Code advances the basic notion that the great majority of decisions regarding land use should be made at the local government level. Because the decision making process proposed by the code requires explicit analysis and disclosure of social, economic, and environmental consequences of decisions, the code cites the need for new administrative machinery to handle today's land use issues. One goal is to reduce the impact of politics in decisions regarding the use of private land and substitute professional analysis based on general standards established by state legislatures. The code also recognizes and clarifies the interests of individual citizens, citizen groups and other units of government in local land use decisions and, very significantly, would make state and local government public works development projects subject to the same regulations as private developments.

## Toward a Land Use Policy for Montana

The EQC Montana Land Use Policy Study acknowledges the strong pressures at work in Montana. Growth, however defined, is going to continue, though it is a matter of speculation as to the precise rate and kind of growth. The expanding need for feed and food, the growing demand for energy and minerals, and the spreading appeal of Montana's bountiful physical amenities surely will bring about changes in the Montana way of life. But Montanans must not deny or lose the opportunity to guide their future. The need for a state land use policy is manifest.

Today, decisions are made in a fragmented, uncoordinated manner by 182 local governments, 19 state departments and assorted independent agencies, at least 18 federal bureaucracies, seven Indian reservations and by about 700,000 residents and an undetermined number of non-residents. The system guiding these decisions is the same system that gave Los Angeles to California, Denver to Colorado, and Miami Beach to Florida. If history is any guide, it is unlikely that this system will treat Montana much better.

Three fundamental assumptions underlie the recommendations proposed by the study:

1. Governing should be done by that level of government which is the closest to the people yet capable of performing the desired function. In Montana, for most land use issues, local government can meet this requirement.
2. There are land use issues in which the people of the state in general have sufficient interest to override occasionally the narrow interests of a locality.
3. Actions of government agencies should be subject to the same scrutiny and regulation as the actions of private individuals and organizations.

### EQC Land Use Recommendations

Any system of statewide zoning (as is done in Hawaii) would ignore the traditional and cultural resistance Montanans have to what might be seen as arbitrary and unnecessary interference from distant bureaucrats. Adhering to the basic assumptions, a system of land use decision making is proposed which would allow Montanans to take control of their future without unnecessarily disrupting the traditions of the state or interfering with the legitimate expectations of its citizens.

Based on the three assumptions, the state would be free to work in eight land use decision making areas:

1. Decisions affecting or affected by past or projected major public facilities or other projects representing a major public investment.
2. Decisions concerning areas containing or having a significant impact upon historical, natural, or environmental resources of regional or statewide importance.



3. Decisions concerning areas that embody a significant natural hazard.
4. Decisions concerning areas proposed as sites for new towns.
5. Decisions which have significant impacts beyond the jurisdictional boundaries of a local government.
6. Coordination of all levels of government including state agency actions.
7. Creation of an arena for resolving conflicts arising in the first six areas.
8. The formulation and articulation of growth and development policies.

Consolidating the allowable decision making areas of state action into administrative functions yields four activities in which the state could have at least a supervisory and sometimes a dominant role:

1. The designation and regulation of areas of state concern.
2. The designation and regulation of developments of greater than local impact.
3. The provision of an appeals procedure to ensure that statewide interests are considered by local decision makers and that local interests are considered by state decision makers.
4. The creation of a continuous statewide goals formulation process.

The first two activities require the establishment of new administrative functions: decision making processes in which the state's role would be primarily one of supervision and assistance. Only after local government was given and had refused the opportunity to accept the responsibility of governing would state government assume an active role. The third activity would require an essentially passive state role; the state would provide an arena for resolving conflicts in the land use decision making process. The fourth activity, also a process, would include all levels of government and a wide spectrum of private interest groups in a comprehensive effort to construct goals. State government is the logical leader of such a program.

The two administrative functions that form the heart of the proposed system would tie state and local officials together in a cooperative process of designating, regulating and controlling areas of state concern and Developments of Greater than Local Impact (DGLI). A state Land Use Commission, a quasi-judicial, independent board within state government, would be assigned to resolve conflicts among state agencies and between units of state and local government.

#### Areas of State Concern

Areas of state concern are defined as localities or resource systems whose uncontrolled development would result in irreversible loss or damage to a significant resource of a region or of the state as a whole. Potential areas of state concern would include:

--Areas affected by or affecting substantial public investments such as educational, medical and penal institutions; convention, civic and sports complexes; game ranges and major airports.

--Areas including or having significant impact on historical, aesthetic, natural or environmental resources such as proven mineral reserves, significant agricultural, grazing and timber lands, shorelines, and essential ecological systems.

--Areas where development probably would endanger life and property because of natural or man-made hazards such as earth fault zones, landslide and avalanche pathways, fire-prone areas, or airport flight paths.

--Areas proposed as sites for new town development.

Although areas of state concern could be suggested by anyone--groups of citizens, local governments, state agencies--the procedural rules of designation would be sufficiently strict to eliminate unnecessary local government response to casual requests. Written requests would have to include the reasons for designation, the dangers and losses if the area were not designated and general guidelines for regulating development in the area.

The local government (or governments) with jurisdiction over a proposed area of state concern would hold hearings and make a recommendation to the state Land Use Commission. The commission also would have authority to review local government's refusal to consider a request for designation, violation of designation procedure or departure from state guidelines on areas of state concern. Alternatively, designation and appeals authority would be lodged with local government, the governor, the legislature, a state agency or any combination of these authorities.

Once an area were designated as an area of state concern, local government would have a period of time, say six months, to prepare, with state technical and monetary assistance, detailed development regulations based on the designation order and the guidelines for that category of area. The guidelines would be prepared in advance by a state planning agency. Responsibility for enforcement of the regulations would be left to local government and the courts. However, a vital part of the designation process would impose interim controls when local government filed notice of hearing in response to a request for designation. Interim controls would protect an area until the designation process yielded a decision.

#### Developments of Greater Than Local Impact

A Development of Greater than Local Impact (DGLI) would include any development with significant effects beyond the boundaries of the local government having jurisdiction over the development site. Major shopping centers, large subdivisions, industrial complexes and public works projects could qualify. Developers, including state agencies, would be required to apply for a permit based on state guidelines and submit to a public hearing conducted by the local government with jurisdiction over the development site. Local officials could deny, approve or approve with conditions the development

application. The decision would have to consider the benefits and detriments to the surrounding region as well as the locality--municipality or county--involved. The legislature could stipulate a number of criteria that the local government would have to find adequately satisfied before a permit could be issued. The local government could be required to determine that the proposed development:

1. Would not place an unreasonable burden on existing public services, such as highways, schools and police and fire protection.
2. Would have sufficient water available for its foreseeable needs.
3. Promises no significant adverse effects on the natural environment and would not cause undue air or water pollution.
4. Would not adversely affect existing land uses, scenic character, natural resources or property values.
5. Has provided for sewage and solid waste disposal.

The EQC recommends, however, that a superior approach would be to require the local government to determine that the probable benefits of the project exceed the probable detriments. Presumably this requirement is the thought process already employed by county commissioners and city fathers, but their reasoning would have to be in writing. The following should be defined as being among important community detriments and benefits:

1. Favorable or adverse effects on other persons or property owners.
2. Immediate costs for additional local government services versus the long-term expected tax increase.
3. Favorable or unfavorable impact on the environment, including a recognition of intangibles: beauty and ugliness, convenience and necessity.
4. The appropriateness of the development given alternative locations within the local jurisdiction and elsewhere.

A local government's decision regarding a DGLI could be appealed to the state Land Use Commission by the developer, the owner of the property to be developed, adjacent property owners, the local government having jurisdiction, the state planning agency and any person or group that participated in the local government's review of the project. A decision could be reversed only if the local government erred in its procedure or assessment of benefits and detriments. Detailed guidelines developed by a state planning agency would help determine whether a given development qualified as a DGLI. Guidelines would vary throughout the state depending on the size of project, traffic generation and environmental effects. What might be a DGLI in Broadus might not be one in Missoula.

## The State Land Use Commission

The state Land Use Commission could be appointed by the governor, the legislature, or both. The EQC recommends that its members be appointed by the governor with consent of the senate. It should comprise citizens representing the geographic diversity of the state and would be protected by law from domination by any particular interest group. The commission would designate areas of state concern and resolve conflicts arising at any stage of the areas of state concern and Developments of Greater than Local Impact process, including hearing complaints of violations of development regulations established for an area of state concern and for a Development of Greater than Local Impact.

The commission would provide an arena where statewide interests could be presented and protected if local governments refuse the responsibility of governing or reach decisions based only on parochial interests. In hearing appeals the commission would resolve conflicts among state agencies and between levels of government. In this capacity the commission could coordinate and lend consistency to major land use decisions throughout the state for the first time.

## A State Planning Agency

The EQC recommends consolidating existing state planning expertise into a single agency to provide technical assistance to local governments in their preparation of development regulations for areas of state concern and their evaluation of Developments of Greater than Local Impact. The consolidated agency would be a part of a Department of Planning and Local Affairs that would nominally replace the existing Department of Intergovernmental Relations. The consolidated agency would issue guidelines for interim control of areas of state concern, critique locally and consultant-prepared development regulations for areas of state concern and would respond to requests by the commission for the preparation of development regulations if a local government failed to do so. In addition to its other duties, the agency would administer the Utility Siting Act to incorporate the key decisions of utility placement with a broad planning effort related to the needs and desires of local government.

## A Joint Legislative Committee on Land Use

To expedite legislative involvement in the state land use decision process, it is recommended that a joint legislative committee on land use be created. The Land Use Commission would report to the committee annually. To insure representation of the legislative groups with a major interest in land use while preventing domination by any one group, this committee should include the chairpersons and/or vice-chairpersons of the House and Senate committees on Fish and Game, Highways, and Natural Resources, and the Senate committee on Local Government.

## A Commission on Growth and Montana's Future

Working together to form an interlinked decision making system, the functions of designating areas of state concern and Developments of Greater than Local Impact, and the activities of the Land Use Commission, would implement a state policy for making land use decisions. This land use policy would be consistent with the Montana Environmental Policy Act and would declare that:

1. An individual's right to property is basic, guaranteed by the U.S. and Montana Constitutions and accompanied by certain responsibilities.
2. The state has a limited but legitimate interest and responsibility to intervene in land use decisions when interests and values of citizens in a region or throughout the state are significantly affected.
3. Elected local officials and citizen commissions are responsible for decisions determining and protecting the values of the people.
4. State government encourages, and supports with technical and financial assistance, the efforts of local officials to govern responsibly.

Policy consistent with the Montana Environmental Policy Act must recognize that sustained economic productivity depends on the maintenance and enhancement of environmental integrity; that each person is entitled to a healthful environment; that today's citizens are the trustees of the environment for succeeding generations; and that an objective of government must be to strike a balance between population and resource use.

The EQC's Land Use Questionnaire found a compelling unanimity in the desire of local officials to preserve the agricultural values of the state. Recent statements by the governor and other officials, and editorials in the press, indicate that Montanans want control of the state's future.

Montana stands today at a crossroads. Decisions made over the next few years on the use of land will commit the state irreversibly. Before too many of these decisions are made, Montanans must define, as best they can, their goals and values. A clear, unified, articulation of our values and goals would offer policy guidance to local governments, the legislature, and the governor. Incorporated in legislation, the articulated goals and priorities of values could resolve inconsistencies and correct the impotence of the state's overall land use policy.

The EQC study recommends a policy and a process for making certain land use decisions, but these are just tools--guidance is needed from a broader perspective. A policy for making land use decisions can guide Montana to any of a number of futures; Montanans must choose their most desirable future and direct the process to achieve it.

Protecting regional and statewide interests in areas of state concern and in Developments of Greater than Local Impact can insure that Montana is not overwhelmed. But the firm guidance of a growth policy is needed to



prevent the step-by-step disintegration of subtle and unique relationships that now exist between the state's citizens and the land. No case-by-case review process can accomplish this. To bend the future to their will the people of Montana must be willing to establish a priority of values and hold decision makers accountable for the difficult job of trading low priority values for high priority ones.

Montanans need an institutional forum for asking and exploring answers to two fundamental questions concerning growth and development: What do we want tomorrow's Montana to be like? and What kind of growth should occur where? To pursue these issues, the EQC recommends creation of a Commission on Growth and Montana's Future.

### Conclusion

The issues identified by the EQC Montana Land Use Policy Study will be familiar to many Montanans. We believe Montanans are ready to take effective steps to protect and manage the land so that our high quality of life can be maintained. The recommendations offered by the study are designed with that purpose in mind.

One of the most important books to be published recently on land use questions is The Use of Land: A Citizens' Guide to Urban Growth, by William K. Reilly (New York: Thomas Crowell, 1973). This report, available as a paperback, was sponsored by the Rockefeller Brothers Fund and was carefully designed to assist citizens as they struggle with the very complex and controversial issues that surround the planning and regulation of land use and growth.

Many of the themes in The Use of Land also are found in the EQC Montana Land Use Policy Study. Both works emphasize that unlimited growth and the continued emphasis on piling up more material possessions do not necessarily produce the "good life." Quantity and quality are not the same. To the extent that our continued existence is dependent on maintaining the basic integrity of the environment, we must begin to base our decisions on the premise that a high quality of life means more than producing more goods.

Clearly, we cannot turn back the clock. The "good old days" turn out to have been not so good for many. Stopping growth is not possible and probably not desirable. But deciding how much, where, and what kind of growth we want are the critical questions facing all Montanans today. Just as unlimited growth is not possible, so is doing nothing; for doing nothing results in the continuation of present policies and practices, the long-term consequences of which would be disastrous. The phrase "growth on our terms" may best describe how Montanans might approach the issue of growth and land use.

The 1975 legislature will be asked to consider a number of bills dealing with land use issues, including one patterned after the EQC recommendations described in this summary. All of the bills would limit to some extent land use practices now considered inappropriate. In a similar manner,

the bills will have implications for growth, since most land use legislation rejects the notion that anything goes. Montanans always have faced hard choices and deciding on a growth policy for the state will not be easy. We believe that the citizens of the state need to begin defining a policy now, while many options are still available. In important respects, the EQC Montana Land Use Policy Study provides a framework that will allow Montanans to begin to discuss land use issues and initiate actions that will determine what kind of place Montana will be for us and our children.

#### FOOTNOTES

1. "Statewide Subdivision Inventory," Environmental Information Center, Helena, Montana, October, 1974 (Unpublished).
2. Board of Equalization (Department of Revenue), Biennial Reports. In 1963, the Department of Revenue reported 36,501 acres in "suburban tracts." In 1972 that figure had increased to 225,886 and to 289,876 in 1973. These figures are conservative for a number of reasons, among them the practices of county assessors and the fact that much land is sold under contracts for deed and thus not recorded.
3. Figure derived from Montana Board of Equalization (Department of Revenue) Biennial Reports and 1973 Department of Revenue data.
4. See, for example, Local Tax Impact of Recreational Subdivisions: A Case Study, Oregon State University Extension Service, Special Report #365 (July 1972) and Exploring Options for the Future: A Study of Growth in Boulder County, Vol. 5, Boulder Area Growth Study Commission (November 1973).
5. Flathead, Gallatin, Lake, Lewis and Clark, Missoula, Ravalli, and Yellowstone Counties. Rates were computed using Board of Equalization (Department of Revenue) Biennial Reports, 1964 to 1972.
6. Upper Midwest Council, Recent Trends-Future Prospects: A Look at Upper Midwest Population Changes. Minneapolis, January, 1973.
7. U.S. Bureau of Census figures indicate that in 1974 Montana's population was 735,000 compared to 694,400 in 1970. The net increase was used as the basis for the year 2000 population projection.
8. The seven state agencies are the Departments of Fish and Game, Health and Environmental Sciences, Highways, Intergovernmental Relations, Natural Resources and Conservation, State Lands, and Revenue.
9. States surveyed include Hawaii, New York, Vermont, Florida, Maine, Oregon, and Colorado. New York's action was confined to Adirondack Park.
10. The American Law Institute (ALI), a professional, non-profit organization in Philadelphia, specializes in legal research, continuing legal education, and the development of model laws, codes and ordinances. A committee of legal specialists in the land law field has been working on a Model Land Development Code since 1963. The most recent edition of the code was published by the ALI on April 15, 1975.

# DENSITY: A COMMUNITY INFLATION-FIGHTER

Excerpts from

## The Costs of Sprawl - Executive Summary\*

### The Study

The Costs of Sprawl was written in response to the needs of local and state officials and concerned citizens for facts on the economic and environmental costs of land development. The study summarizes what is known about the land use, economic, environmental and personal costs of different neighborhood types and different community development patterns. The results of the study are surprisingly consistent: more compact, higher density development results in substantially lower (public and private) economic and environmental costs, and reduced natural resource consumption for a given number of dwelling units.

The costs of alternative types of development were derived from studies of theoretical development patterns rather than actual developments. However, much of the data used to estimate aggregate costs were obtained from independent studies of actual developments.

Costs were estimated for five different neighborhood types, each composed of 1,000 dwelling units each of the following housing types:

- single family houses, conventionally located
- single family houses, clustered
- townhouses
- walkup apartments, two stories
- high rise apartments, six stories

These neighborhood types also were combined into six different community types, each containing 6,000 acres and 10,000 dwelling units, but differing in the mix of housing types, compactness of development, and average population density.

A convenient illustration of the costs of sprawl among various community types can be made by considering three general classes of increasing density:

1. Low density sprawl: single family houses, 75 percent in traditional grid pattern. Neighborhoods "leapfrog" in typical suburban development fashion without touching borders much.
2. Combination mix: 20 percent of each of the five dwelling types, half in planned unit developments and half in typical subdivisions.

\*Prepared by Real Estate Research Corporation, for the Council on Environmental Quality (CEQ), et al. April 1974, Based on The Costs of Sprawl: Detailed Cost Analysis, 1974). The Executive Summary, The Detailed Cost Analysis and a companion volume, The Costs of Sprawl: Literature Review, are available from the CEQ, 722 Jackson Place N.W., Washington, D.C. 20006.

3. High density planned: 40 percent high rise apartments, 30 percent walkups, 20 percent townhouses, 10 percent clusters of single family houses.

### Summary of Results

#### LAND CONSUMPTION

Low density sprawl quadruples residential land used compared with high density planned yet dedicates a third less land for open area. All communities cover same area, yet high density planning leaves half the land completely undeveloped; sprawl has much improved-but-vacant land. Sprawling communities also use twice the land for transportation as high density.

#### PUBLIC AND PRIVATE COSTS

High density planned allows 21 percent less public and private investment costs than combination mix community; 44 percent less compared to sprawl. Most savings accrue from increasing development density, some from planning efficiencies. Smallest proportion of costs borne by taxpayers is in high density community.

#### ENVIRONMENTAL DEGRADATION AND ENERGY CONSUMPTION

High density community makes up to 50 percent less air and water pollution than sprawl, the result of reduced traffic flows and better erosion control in high density development. Compactness helps eliminate noise; preserves valuable wildlife and native vegetation. Density has direct and significant savings in fuel requirements for space heating and cooling. Compactness can reduce transportation energy demands by 44 percent.





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